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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

BRIAN J. SUIRE  
MARY E. SUIRE

VS.

KATHERINE BURGESS  
DUANY PLATER-ZYBERK & CO., LLC  
ZURICH NORTH AMERICA *and or*  
ZURICH AMERICAN INS. CO.  
ABC INS. CO.

CIVIL ACTION NO. 07-1639

JUDGE HAIK

MAGISTRATE JUDGE METHVIN

**JURISDICTIONAL REVIEW RULING**

Before the court is plaintiffs' Memorandum of Facts to Support Jurisdictional Amount filed pursuant to this court's order of June 5, 2008 (Rec. Doc. 13). The memorandum is unopposed by defendants. Having reviewed the briefs and the exhibits thereto, I conclude that plaintiff has proven by a preponderance of the evidence that the amount in controversy exceeds \$75,000 by setting forth the specific facts in controversy that support a finding of the jurisdictional amount. Simon v. Wal Mart Stores, 193 F.3d 848 (5<sup>th</sup> Cir. 1999); Luckett v. Delta Airlines, Inc., 171 F.3d 295 (5<sup>th</sup> Cir. 1999).

Relevant jurisdictional facts which have been included in the memorandum discuss the nature and severity of plaintiff Brian Suire's injuries. Following the November 16, 2006 automobile accident when Suire was allegedly rear-ended by defendant Katherine Burgess, Suire was diagnosed with cervical disc herniations at C3-4, C5-6 and C6-7. He underwent a cervical discogram/CT scan and anterior cervical discectomy and fusion with plate and screws at C#-4.

Plaintiffs state Suire's past medicals total \$68,036.88 and past lost earnings total approximately \$100,000.

Considering the foregoing, the undersigned concludes that plaintiffs' claims satisfy the jurisdictional amount in this case.

Signed at Lafayette, Louisiana on October 29, 2008.



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Mildred E. Methvin  
United States Magistrate Judge  
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